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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 24

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte CHRISTOPH E. SCHEURICH, SRIRAM VISVANATHAN,  
and OLEG B. RASHKOVSKIY

Appeal No. 2004-0130  
Application No. 09/083,601

ON BRIEF

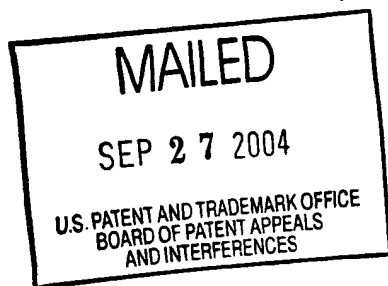
Before FLEMING, DIXON, and BLANKENSHIP, Administrative Patent Judges.

BLANKENSHIP, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the examiner's final rejection of claims 19-38, which are all the claims remaining in the application.

We affirm.



BACKGROUND

The invention relates to a method of communication between a digital camera and a computer. The method maintains a requested frame rate regardless of the available bandwidth between the camera and the computer. Representative claim 19 is reproduced below.

19. A method for communicating between a camera and a computer, comprising:

determining whether it is possible to transmit data that is associated with a requested image parameter at a requested frame rate; and

if not, adjusting the image parameter and transmitting the data.

The examiner relies on the following reference:

Thro et al. (Thro)	6,037,991	Mar. 14, 2000 (filed Nov. 26, 1996)
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Claims 19-38 stand rejected under 35 U.S.C. § 103 as being unpatentable over Thro.

We refer to the Final Rejection (Paper No. 17) and the Examiner's Answer (Paper No. 20) for a statement of the examiner's position and to the Brief (Paper No. 19) and the Reply Brief (Paper No. 21) for appellants' position with respect to the claims which stand rejected.

OPINION

Appellants nominally group the claims into four different groups. However, appellants rely on the same arguments for all the claims. We find there are two groups of claims that are substantially different in scope. We select claims 19 and 25 as representative. See 37 CFR § 1.192(c)(7). See also In re McDaniel, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002) ("If the brief fails to meet either requirement [of 37 CFR § 1.192(c)(7)], the Board is free to select a single claim from each group of claims subject to a common ground of rejection as representative of all claims in that group and to decide the appeal of that rejection based solely on the selected representative claim.").

The Thro reference describes mobile communication devices 101-103 (Fig. 1) coupled to video devices 116-119. Col. 3, ll. 1-16. Thro recognizes that the communication links are typically limited in bandwidth. In view of the fixed amount of information that can be transferred each second, mobile communication device 101 may determine a priority between transmission frame rate and resolution per video frame so as to choose between more frequent image updates and greater resolution per frame. Col. 3, l. 66 - col. 4, l. 23. Alternatively, the user of the mobile communication device may manually select the priority between transmission frame rate and resolution per frame (col. 4, ll. 36-41); further, dispatcher 105 or video control server 104 may determine the priority (id. at ll. 52-59). Thro refers to the "first mode of

operation," when a fixed transmission frame rate (e.g., 20 frames per second) is of a higher priority than resolution per frame. Col. 5, ll. 4-19.

Appellants submit that Thro fails to teach or suggest, as recited in instant claim 19, determining whether it is possible to transmit data that is associated with a requested image parameter at a requested frame rate, and, if not, adjusting the image parameter and transmitting the data. That, however, is what Thro teaches to one skilled in this art.

Thro notes that transmission frame rate and resolution per frame are inversely related (e.g., col. 6, ll. 31-32). Thro also provides numerical examples of the tradeoff (e.g., col. 11, ll. 16-45). Thro's disclosure conveys to the artisan that when, for example, video control server 104 determines that the communications bandwidth cannot support the default (relatively high) frame rate in combination with the default (relatively high) resolution of a particular video device, the system lowers the resolution to support a desired frame rate. The "first mode" of operation sets the desired frame rate; the system may lower, accordingly, the resolution per frame to remain within the fixed bandwidth of the communication resources. The reference provides particular examples (Fig. 4; col. 10, l. 32 - col. 11, l. 45) of a communication device allocating the bandwidth shared by multiple video devices, by setting frame rate and resolution of each video device, to remain within the fixed bandwidth of the communication device. The communication device may thus adjust (e.g., reduce) an image parameter (e.g., resolution) of a first video device if the communication device determines that the

bandwidth cannot support transmission of video data from the first video device when additional video devices need some portion of the bandwidth. Thro conveys to the artisan that in the case of two video devices as inputs, for example, any of four parameters (video-1 frame rate and resolution; video-2 frame rate and resolution) may be adjusted as necessary, and, conversely, that any of the four parameters may be kept constant. We note, however, that instant claim 19 is silent with respect to whether or not the frame rate may change when the image parameter is adjusted and the data are transmitted.

Appellants also argue that the “truncation” of video signals described by Thro (e.g., col. 6, l. 34 et seq.) does not teach or suggest “adjusting the image parameter” as claimed. Even assuming that to be true, however, the “truncation” taught by Thro merely represents an additional way of managing large amounts of video data from multiple sources. That Thro might disclose or suggest additional embodiments that are not within the scope of representative claim 19 does not persuade us of error in the rejection.

Instant claim 25 is more specific than claim 19 in the aspect of decreasing resolution, rather than “adjusting the image parameter.” However, the teachings of Thro, as we have noted above, are as specific as claim 25 requires. The claim also contains the additional step of “receiving a request for a first pixel resolution.” The initial resolution associated with the default, relatively high resolution of a video device in Thro corresponds to the claimed “first pixel resolution.” Claim 25 is not specific with respect

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to what receives the request, and thus may refer at least to programming within video control server 104 (Thro Fig. 1), which receives a request for video from a particular video device, prior to the server determining how the available bandwidth is to be allocated.

We thus sustain, for the foregoing reasons, the rejection of claims 19-38.

#### CONCLUSION

The rejection of claims 19-38 under 35 U.S.C. § 103 as being unpatentable over Thro is affirmed.


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No time period for taking any subsequent action in connection with this appeal  
may be extended under 37 CFR § 1.136(a).

AFFIRMED

  
MICHAEL R. FLEMING  
Administrative Patent Judge

  
JOSEPH L. DIXON  
Administrative Patent Judge

  
HOWARD B. BLANKENSHIP  
Administrative Patent Judge

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